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ABSTRACT

This paper outlines the changes and resultant strategy alterations that took place in the legal education system of the Lao People's Democratic Republic in 1991 and how these changes affected the Vientiane School of Law. In the late 1980s, the government was transformed from a centrally-governed economy into a market economy. The difficult task resulting was how to teach law students English, when it was not really clear what the legal system would be by the time they graduated. The English Department at the School of Law was established in 1993 with the appointment of an advisor funded by the Swedish International Development Authority (SIDA); it currently has 580 students, 22 classes, and 8 full-time staff. Faculty had to quickly become knowledgeable in the English language, teaching methodology, and legal knowledge. Success has been attained in the English language and methodology needs, however the legal knowledge needs require more time. Students, educated under traditional Buddhist monk teaching methodology or the inflexible, authoritarian French system, required assistance with critical thinking, research skills, and reading habits. Critical thinking and reading skills have been improved through the use of English-language case studies developed by the students, and research skills have been improved by a required, comparative legal paper writing activity. (Author/NAV)

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Keeping a cool heart: designing for change at the Vientiane School of Law

Steve Epstein

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Abstract: *How to design an English language program to prepare graduates for a career in the legal system when it is not clear what the legal system will be by the time they graduate? What strategies to employ in order to prepare teachers and students for inevitable change? This paper outlines the changes that have taken place in the legal system of Lao PDR and consequently in the Vientiane School of Law, and describes the strategies that have been engaged to deal with these changes.*

Changes in the Lao legal system and the School of Law

In the late 1980s the Government of the Lao People's Democratic Republic (PDR) transformed the centrally-governed economy into a market economy. As a result, it became necessary to institute a revised legal structure more appropriate to the "New Economic Mechanism", in order to accommodate the new system and to encourage investment. The present legal system was adopted in 1991 with the promulgation of the constitution and the adoption of the civil and penal codes and procedures. The Vientiane School of Law was established in 1986 to provide the future legal system with a group of professionals trained in Law.

Lao PDR has a population pyramid similar to sub-Saharan Africa: 44% of the population is under fifteen years old and 17.5% is below the age of five[1]. This has resulted in increasing pressure on tertiary education institutions to accept more and more students. Lao high schools continue to graduate students ready for further education, and the burgeoning youth of the nation need places to study. Until 1990, the majority of high school graduates who went on to higher education had studied in the (then) Soviet Union or Eastern Europe, but following the upheavals in the former Communist bloc, this is no longer an option.

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Thus it was that in 1993 the School of Law began to admit classes of 200 students, while previously the average had been 60. However, the Lao legal infrastructure can easily absorb the growing numbers of graduates. Through to the year 2001 graduates of the School of Law are assured positions in the state judicial administration due to the pressing need for trained judges, lawyers and prosecutors (Ministry of Justice 1992). There is also expected to be an increase in demand for law school graduates in the private sector.

The structure and program of the School of Law have undergone a dramatic transformation in response both to the increased training need and to the larger student population. From the establishment of the School until 1993, students had been divided into two levels: the four-year high-level program which trained judges, lawyers, and prosecutors, and the three-year middle-level program which trained lower-echelon court officials and administrators. This two-level model was based on the French system. As the high-level and middle-level programs were not substantially different in content, and as separating the students into nine different groups became increasingly difficult administratively, the two-level system was abandoned in 1993, and the students were merged and regrouped into one four-year program. In 1994, the four-year program was extended to five years and a preparatory year was added, effectively making it a six-year program.

The English Department at the School of Law was established in April 1993 with the appointment of an advisor funded by the Swedish International Development Authority (SIDA). Previously, all students had studied either Russian or French; however, response to the English classes was overwhelming, and now approximately 70% of the students study English, with the remaining 30% taking French. Even though most of the Law faculty studied in the Soviet Union and the School of Law has a large library of Russian-language books, the Russian program has been discontinued due to lack of interest. By way of contrast, the School currently has 580 English students in 22 classes and eight full-time English teachers.

Design for change: teacher-training

Focused training of the English teachers is the key to developing staff

that will be able to cope with the inevitable changes that will occur both in the School of Law and in the Lao legal system. Upgrading the teachers' own ability in English, guiding them in developing their own effective style of teaching, and providing them with legal knowledge will build the confidence needed to "roll with the punches". Accordingly, staff development in the English Department comprises three strands: English language, teaching methodology, and legal knowledge.

Training is a powerful motivator for the teachers. The salary of a state sector teacher does not compare with the rewards of the private sector. The Government is justifiably concerned that state-system English teachers will move to higher-paying jobs in the private sector. An extensive and long-term training program is an incentive that will benefit both the teachers and the School. All eight teachers in the English Department are enrolled in a long-term internationally-recognized program which will result in their obtaining at least a Graduate Diploma in Teaching English to Speakers of Other Languages (TESOL), with some going on to complete a Masters degree.

In addition to the long-term training program, the English Department teachers participate in weekly team meetings and training sessions, a peer observation program, and individual consultations with the advisor. They also attend special English classes where they develop their language skills and are at the same time exposed to different teaching methodologies; this arrangement has resulted in a substantial improvement in the teachers' own methodology and classroom management skills.

The project has been less successful in its goal of helping the English teachers gain an understanding of legal matters. Although the teachers have visited the Lao courts and have attended lectures by Lao legal experts, their knowledge remains weak. Various factors have hindered the progress of this aspect of the training, not least of which has been the busy schedules of both the teachers and the legal experts. A future goal is to place greater emphasis on this aspect of the program.

Design for change: learner-training

In order to deal with change the students, for their part, need to be empowered to take charge of their own development and education.

They must develop key skills that will allow them to become more autonomous in their approach to their studies during their years at the School of Law and after they enter the legal profession. These empowering skills are: (i) critical thinking, (ii) research skills and (iii) the reading habit; let us consider each of these in turn:

(i) The philosophy of education and teaching methodology in Laos are traditional ones, with the teacher being seen as the possessor of knowledge and the students coming to the classroom as blank slates. Two factors have influenced the adoption of this philosophy: the traditional teaching methods used by Buddhist monks in the temples, and the inflexible authoritarianism of the French school system during the dark period of French colonialism. Just as parents raise their children as they were raised, so teachers tend to teach the way they were taught. Whether one approves or not, such is the accepted teaching style in Lao PDR and at the School of Law. However, both as a balance to the traditional methodology and as a possible alternative model for the Law teachers to experience, we in the School of English place a strong emphasis on developing the students' **critical thinking skills**, in particular argumentation and reasoning. Critical thinking skills are developed through case studies written in the English classes by both students and teachers. The following is an example written by a third-year student (*School of Law Briefs* No.3, December 1994):

> Thao Joy is 17 years old. He drove his father's *jumbo* [motorcycle taxi] to take passengers to the Morning Market. When he arrived he deposited the *jumbo* at the parking lot with Mr. Tou. Then Joy went to the morning market. When he returned his *jumbo* was gone! He was angry!
>
> Is the deposit given to Mr. Tou a contract? What kind of contract?

These provocative cases spark discussion, argumentation and debate. In this way, students are developing argumentation and critical thinking skills as well as legal knowledge and English language ability.

(ii) **Research skills** are critical in the legal field. Indeed, the furnishing of a Law Library at the School has been another activity of SIDA. However, students need to learn how to use a library, how to

research a specific law or a specific case. Research skills are developed at the School of Law primarily through the the writing of a paper to compare and contrast legal systems. Just as studying the grammar system of a foreign language can lead to a deeper knowledge of the grammar of one's own language, so the study of a different legal system helps develop an understanding of one's own system. Students need to find material in the library and interview legal experts. Such activities are carried out, of course, in English.

(iii) The English program at the School of Law places a strong emphasis on reading. Reading is not a firmly established habit in Lao PDR. It is rare to see people reading, and there is a dearth of reading material in the Lao language. One goal of our project is to develop the **reading habit** in our students. An English library of close to 1000 graded readers is available to them. A 20-minute period of Sustained Silent Reading, during which all students and teachers read silently, occurs in many of our English classrooms. Additionally, the students write and publish a bi-monthly student newspaper, the *School of Law Briefs*, which provides high-interest reading material. One student has written a 45-page romantic novel in English entitled *The Heart is Washed by Tears*, which includes a scene in a Lao courtroom; this novel will be printed and used as classroom material.

A Lao strategy

The Lao have a unique gift for dealing with difficult situations. Their approach is to keep cool and calm and to let events unfold. The problem may, in fact, simply go away. The Lao say: "*Chay yen duh!*": *Keep a cool heart.*

Foreign experts may be able to help the Lao to develop their critical thinking, research and reading skills but the Lao can teach us an important strategy to cope with change. Keep a cool heart. *Chay yen duh.*

Note

1. The Lao population statistics are based on data provided by an official of the Lao National Department of Statistics. A new census has been completed in 1995 and these figures may change; the official predicts that the average age of the Lao population will be even lower.

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